

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUSTIN EVERETT,

Plaintiff,

v.

FIELDWORKS, INC., *et al*,

Defendants.

Civil Action No. 2:17-cv-1495

Hon. Peter J. Phipps

ORDER

Oral argument having been heard on April 23, 2019, and for the reasons set forth on the record and summarized below, IT IS HEREBY ORDERED that:

1. Defendants' Amended Motion for Summary Judgment, ECF No. 47 (Feb. 18, 2019), is GRANTED IN PART and DENIED IN PART –

- Summary Judgment is entered in favor of individual defendants, Chris Gallaway and Lewis Granofsky, on all Counts for lack of personal jurisdiction. Plaintiff has not shown that those defendants possessed constitutionally sufficient minimum contacts with Pennsylvania.
- Summary Judgment is entered in favor of individual defendant, Laura Moorman, née Barkley, on all Counts because this defendant is entitled to judgment as a matter of law: as to Title VII, it does not permit individual liability; and as to the other claims, those under 42 U.S.C. § 1981 and the Pennsylvania Human Relations Act (PHRA), there are no allegations or other record evidence of the mental culpability for those claims.
- Summary Judgment is entered in favor of individual defendant, Zachary Reider, on the claims in Count II for gender discrimination under both Title VII and the PHRA because this defendant is entitled to judgment as a matter of law: there are no allegations or other record evidence to support a claim for gender discrimination, and Title VII does not permit individual liability.

- Summary Judgment is entered in favor of individual defendant, Zachary Reider, on the claim in Count II for race discrimination because Title VII does not permit individual liability.
 - Summary judgment is entered in favor of the corporate defendant, FieldWorks, on Count II for the claims of gender discrimination under both Title VII and the PHRA because this defendant is entitled to judgment as a matter of law: there are no allegations or other record evidence to support a claim for gender discrimination.
 - Based on the sworn statements in the declaration of Philip Shropshire, ECF No. 56 (Mar. 19, 2019), genuine disputes of material fact exist as to whether individual defendant, Zachary Reider, and corporate defendant, FieldWorks, discriminated against plaintiff based on race. Those genuine and material factual disputes preclude summary judgment for defendants Reider and Fieldworks on Count I under § 1981 and Count II for race discrimination under the PHRA. Similarly, those genuine disputes of material fact also preclude summary judgment for defendant Fieldworks on Count II for race discrimination under Title VII.
 - Those remaining claims will proceed to trial. Specifically, the trial will consist of the race discrimination claims under § 1981 and the PHRA against defendant Reider as well as the race discrimination claims under § 1981, the PHRA, and Title VII against defendant Fieldworks.
2. Because plaintiff's submission, ECF No. 61 (Apr. 9, 2019), was untimely and not otherwise authorized, the Court did not consider it in resolving defendant's motion for summary judgment (although that filing would not have altered the outcome), Defendants' Motion to Strike that filing, ECF No. 62 (Apr. 11, 2019), is hereby DENIED.

BY THE COURT:

April 24 , 2019
Date

/s/ Peter J. Phipps
PETER J. PHIPPS
UNITED STATES DISTRICT JUDGE